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OLC 77-1257

4 APR 1977

MEMORANDUM FOR: Deputy Director for Administration  
Deputy Director for Operations  
Deputy Director for Intelligence  
Deputy Director for Science & Technology  
Deputy to the DCI for National Intelligence  
General Counsel  
Inspector General

SUBJECT: Follow-up Actions from Admiral Turner's  
Senate Confirmation Hearings,  
22 February 1977

1. Attached is a list of commitments made by Admiral Turner to the Senate Select Committee on Intelligence during his confirmation hearings on 22 February 1977. Admiral Turner has reviewed this list and added his penciled comments. We have added a list of action offices in the margin beside each commitment. Please note those actions which apply to your office and prepare a response.

STATINTL

2. The focal point for this office is [redacted]  
extension [redacted] Please advise him of your progress and  
schedule for response.

STATINTL

STATINTL

[redacted]  
Legislative Counsel

Attachment:  
As stated

COMMITMENTS MADE BY ADMIRAL TURNER  
TO THE SENATE SELECT COMMITTEE ON INTELLIGENCE  
DURING FEBRUARY 22, 1977 CONFIRMATION HEARINGS

During his confirmation hearings, Admiral Turner:

1. Agreed to honor Section 11(b) of S. Res. 400 (Attachment C) that Executive Branch officials furnish the SSCI information and documents upon request, subject to the accepted prerogatives of the Executive Branch. (p. 19 of transcript)

1. None

STATUS: No action required as this is consistent with existing practice.

2. Agreed to inform the Committee of Intelligence Community developments which he feels should be brought to the Committee's attention. (pp. 19, 20)

1. None

STATUS: As Chairman Inouye posed the question, the commitment is only one to report what Admiral Turner subjectively feels should be reported. What Chairman Inouye probably intended was to commit Admiral Turner to volunteer information on significant Intelligence Community developments. No action appears required as this would be consistent with existing practice.

3. Agreed to promptly report to the Committee, upon discovery, following established Executive Branch procedures, any and all violations of constitutional rights, law, executive order, Presidential directive, or departmental or agency rule or regulation (Section 11(c), S. Res. 400). (pp. 20, 40)

1. OGC  
2. OLC  
3. IG

STATUS: Significant violations are now reported to the SSCI under the general requirement to keep the Committee fully and currently informed. In addition, the Agency has established a procedure for reporting to the SSCI on those incidents which are brought to the attention of the IOB (Attachment D). Recommend General Counsel, Inspector General, and Legislative Counsel be requested to look into the feasibility of reporting "any and all" violations to the Committee.

4. Agreed to keep the Committee informed of his views regarding whether the DCI should also be head of CIA. (p. 22)

1. None

STATUS: Attachment E is a George Bush letter to the SSCI on this subject. Additional opinions could be sought from the IC Staff and appropriate CIA officials, such as the DDCI and D/DCI/NIO. No

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( to approve electronic surveillance, mail openings, and surreptitious entries, and communicate views to Committee. (pp. 30, 31)

- STATUS: Attachment F is an OGC paper setting forth previous views on such legislation and we are in the process of determining positions of other concerned Executive Branch agencies on this proposal.
1. OGC
  2. OLC
  3. DD/O
  4. DD/S&T
- OK

6. Agreed to communicate to the Committee his personal views, after reflections on the subject, of what the relative priority of counterintelligence should be. (p. 37) ✓

- STATUS: Recommend DDO be tasked to prepare a background paper on this for your consideration.
1. DD/O
- Yes

7. Agreed to make every effort to comply with the sense of the Senate in S. Res. 400 (Section 11(a)) that the Committee be informed in advance of covert action operations. (p. 38)

- STATUS: No action required as this is consistent with existing practice.
1. None

8. Agreed to make every effort to inform the Committee in advance of intelligence collection operations which carry high political risk. (pp. 39, 66) ✓

STAT

- (
1. DD/O
  2. DD/S&T

9. Agreed to inform the Committee of breaches of security and unauthorized disclosures of sensitive information, to the extent possible. (p. 40)

- STATUS: The Agency has reported to the Committee on security matters under the general rubric of keeping the SSCI fully and currently informed. No more specific requirement appears necessary.
1. None

10. Agreed to bring to the attention of Congress substantive intelligence relevant to congressional deliberations (pp. 41, 56), even if the intelligence is contrary to the stated policies of the President. (p. 63)

- STATUS: We have forwarded to you a proposal for contacting various committees to notify them that we are prepared to present briefings on specified subjects within their jurisdiction.
1. None
- (
- haven't seen yet

11. Agreed to study the problem of the unauthorized disclosures of intelligence information and report recommendations to the Committee. (pp. 44, 106, 107)

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- 1. OLC
- 2. OGC

STATUS: We have been in contact with the Justice Department to solicit the support of the Attorney General for additional sources and methods legislation. In addition we are presently working with the SSCI and with Senator Huddleston's personal staff on a bill which Senator Huddleston would introduce to establish criminal penalties for the unauthorized disclosure of intelligence sources and methods. *Pass & Come paper, pls*

12. Agreed to look further into the question of whether Congress should have the right to approve covert activities in advance. It is not clear if Senator Hathaway was referring strictly to covert action, or was also referring to sensitive intelligence collection. (p. 45) ✓ STAT

- 1. DD/O
- 2. OGC

13. Stated, as DCI he would conduct periodic reviews of intelligence information, select topics of current public interest, and declassify and release as much as possible on these subject. (pp. 47, 48) ✓

- 1. DD/I
- 2. DD/A

STATUS: Recommend DDI and DDA be tasked to look *Yes* thoroughly into this proposal.

14. Stated he was prepared to log all contacts, including those with the President, so that a log would be available for himself, the President, or the Select Committee. (p. 54) ✓

- 1. OLC

STATUS: Maintaining a log of all contacts, which would be available to the SSCI, may have some drawbacks. If you wish, OLC will prepare a paper on this subject. *Yes - But start log*

15. Stated he intends to be absolutely certain that approval for covert operations comes personally from the President, not from one of his subordinates. (p. 60)

- 1. None

STATUS: Since the President must sign each finding under Section 662 of the Foreign Assistance Act, no further action may be required.

16. Stated it is his intention not to seek either the positions of Chief of Naval Operations or Chairman of the Joint Chiefs of Staff when these positions become available in 1978. (p. 68)

- 1. None

STATUS: No further action appears necessary.

17. Stated that we should seek to make unfounded charges of CIA interference in foreign elections less rewarding. (p. 72)

1. DD/O STATUS: Recommend DDO be asked to explore how this might be done. *No push*

STATINTL

1. D

1. DI  
2. OI

20. Stated he would require two standards to be met before covert action operations are undertaken: a thorough evaluation of overt alternative methods to accomplish the same objective, and a careful weighing of the potential value versus the risk of disclosure and risk of undermining our respect for fundamental U.S. laws and values. (pp. 78, 79)

1. DD/O STATUS: These factors are currently considered in determining whether to proceed on covert action proposals. Mr. Knoche recently sent a letter (Attachment H) to Dr. Brzezinski transmitting suggested improvements in the preparation and consideration of covert action proposal. Recommend DDO be tasked to evaluate whether Special Coordinating Committee action on Mr. Knoche's proposals meets the standards Admiral Turner set forth. *I'm happy it does*

21. Agreed to help and cooperate with the Committee in its study of the A Team - B Team exercise. (pp. 83, 84)

1. None STATUS: No action required as this is consistent with existing practice.

22. Agreed to review the adequacy of the present mechanism (the NIO system) for producing estimates. (p. 84)

1. D/DCI/NI STATUS: Recommend D/DCI/NIO be tasked to evaluate all possible mechanisms for producing NIE's. *Yes*

23. Agreed to provide the Committee the substance of the reports which the CIA General Counsel files with the IOB regarding improprieties. (pp. 88, 89)

1. None

STATUS: No action required as this is consistent with present practice (See Attachment D).

24. Agreed to provide the Committee the substance of reports which the IOB makes to the President on improper activities in the Intelligence Community. (p. 89)

1. OLC

STATUS: This is a commitment which may be impossible to meet. Under normal Agency and Executive Branch procedures the DCI is not in a position to provide the Congress a report submitted to the President by another entity, such as the IOB. If further checks verify the validity of this position, OLC will draft a letter for your signature to the Committee, stating that the request has been passed along to the IOB. OK

25. Agreed to notify the Committee of changes in CIA regulations. (p. 99) ✓

1. OLC

2. DD/A

STATUS: The Church Committee was provided a full set of CIA regulations on 18 April 1975. The Committee has been supplied some revised regulations, although no comprehensive effort has been made to keep the Committee's copy up to date. OLC has received from the DDA a complete and current set of regulations, which are available for Admiral Turner to personally deliver to Chairman Inouye, or which can be delivered through normal OLC channels. Also, we are requesting that DDA deliver a copy of all new or revised regulations to OLC for transmittal to SSCI. Yes

26. Agreed that the subject of a code of conduct for Intelligence Community employees was a significant issue which should be looked into. (p. 103) ✓

1. IG

2. OGC

STATUS: Recommend Inspector General and General Counsel be tasked to study this proposal. Yes

27. Chairman Inouye and Senator Case said they would submit questions for the record. (p. 108)

1. None

STATUS: The Committee's supplemental questions (Attachment I) were received on 1 March and are being distributed to relevant offices.

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